

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the matter of:

TRANSIGN, INC.,

Debtor. /

DAVID W. ALLARD,

Plaintiff(s),

vs.

WILLIAM J. FLANIGAN, *pro se*,
and
SCOTT E. COMBS,

Defendant(s). /

Case No. 06-43995

Chapter 7

Hon. Thomas J. Tucker

Adv. Pro. No. 08-4348

ORDER DENYING PLAINTIFF'S MOTION TO STRIKE (DOCKET # 41)

This case is before the Court on Plaintiff's "Plaintiff's Motion to Strike Defendant Scott E. Combs Motion for Summary Judgment," filed on October 10, 2008 (Docket # 41). Defendant Combs' summary judgment was filed in this adversary proceeding on October 8, 2008, at Docket # 36.

The Court concludes that a hearing on this motion to strike is not necessary. The Court notes, as it stated in the October 8, 2008 Notice adjourning the trial date (Docket # 38) that while the Defendant's summary judgment motion was filed in this adversary proceeding on October 8, 2008, it was filed (mistakenly) in the main bankruptcy case (No. 06-43993) on October 7, 2008. For this reason, the Court will treat the Defendant's summary judgment motion as having been filed by the October 7, 2008 deadline for dispositive motions (contained in the scheduling order, see Docket ## 22, 23). Accordingly,

IT IS ORDERED that "Plaintiff's Motion to Strike Defendant Scott E. Combs Motion for Summary Judgment," filed on October 10, 2008 (Docket # 41) is DENIED.

Signed on October 14, 2008

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge